

MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

January 14, 2004

DIVISION ONE

[illegible]

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B164023 System Disposal, Inc. (Not for Publication)
v.
City of Huntington Park et al.

The judgment is reversed. Plaintiff is to recover its costs on appeal.

Spencer, P.J.

I concur: Mallano, J.
I dissent: Ortega, J. (Opinion)

B160970 Sylvester P. et al. (Not for Publication)
v.
B.W.A. Home Health Agency, Inc.

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B165479 People (Not for Publication)
v.
Warner Livingston

The judgment is affirmed. The trial court is directed to modify the abstract of judgment in the following respects: Imposition of sentence on count 6 (commercial burglary), count 9 (grand theft), and count 10 (convicted felon in possession of a firearm) is to be stayed pursuant to Penal Code section 654; and defendant is to be awarded 3,001 days of actual credit and 51 days of local conduct credit. The trial court is directed to correct clerical errors in the following respects: Counts 11 and 12 are to refer to robbery rather than commercial burglary; count 8 is to refer to the Vehicle Code rather than the Penal Code; and the box indicating that defendant was sentenced pursuant to Penal Code sections 667, subdivisions (b)-(i), or 1170.12 is to be checked off. The trial court is further directed to forward a copy of the modified and corrected abstract of judgment to the Department of Corrections.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION TWO

B157674 People (Not for Publication)
v.
Connor

The order of sentencing is reversed insofar as it provides for a \$10,000 parole revocation restitution fine. The judgment is modified to strike the \$10,000 parole revocation restitution fine. In all other respects, the judgment is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B163253 People v. Mekonnen

B160379 People v. Duncan

B163132 Wilson v. Board Of Retirement of the L.A. County Employees, etc.

B168626 Children and Family Services v. Trenae B.

B163233 People v. Timberlake

B156754 People v. Navarat

Argument waived, cause submitted.

B160107 People
 v.
 Wynn

Merits:

Argued by William J. Genego for appellant and by Lisa J. Brault, deputy attorney general for respondent. Cause submitted.

B162986 Culbertson
 v.
 San Gabriel Unified School District, et al.

Merits:

Argued by Richard J. Schwab for appellant and by Keith V. Breon for respondents. Cause submitted.

DIVISION THREE (Continued)

B165488 People
 v.
 Casas

Merits:

Argued by Roberta Schwartz, deputy district attorney for appellant and by John Hamilton Scott, deputy public defender for respondent. Submission is deferred.

Court recessed at 11:03 a.m.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B166108 Ogunmola
 v.
 Division of Medical Quality & Medical Board of California

Merits:

Argued by Marvin Zinman for appellant and by Adrian Panton, deputy attorney general for respondent. Cause submitted.

B166379 People
 v.
 Lewis

Merits:

Argued by Matthew G. Monforton, deputy district attorney for appellant and by Octavio Chaidez for respondent. Cause submitted.

B158008 HMS Capital, Inc.
 v.
 Lawyers Title Company, et al.

Merits:

Argued by Richard D. Marks for appellants and by Charles F. Kester for respondent. Cause submitted.

DIVISION THREE (Continued)

B159906 Martin
 v.
 L.A. Unified School District, et al.

Merits:
Argued by Mark J. Leonardo for appellant and by Charles Cavanagh for respondents. Cause submitted.

B159305 Goodreau
 v.
 Lowrie, et al.

Merits:
Argued by Michael R. Bassin for appellants and by Philip Kaufler for respondent. Cause submitted.

Court adjourned at 3:32 p.m.

DIVISION FOUR

121717-04

THE HONORABLE PATTI S. KITCHING, Associate Justice of the Court of Appeal, Second Appellate District, **Division Three**, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division FOUR**, as a justice thereof, on the following date(s):

February 19, 2004

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, in necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

January 5, 2004

Ronald M George
Chief Justice of California and Chairperson of the Judicial Council

DIVISION FOUR (Continued)

B163262 People (Certified for Partial Publication)
v.
Fielder

The judgment is affirmed except that appellant's sentence is vacated, the findings that the prior convictions alleged in cases A567959 and A570651 were true within the meaning of section 667.5, subdivision (b) are reversed, and the matter is remanded for a retrial in accordance with the views expressed herein.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B168594 People (Not for Publication)
v.
Halatsis

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B162642 People (Not for Publication)
v.
Zarifian

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FOUR (Continued)

B162620 People
 v.
 Wright

Filed order denying petition for rehearing.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B156130 Shapiro v. Pratt

Argument waived, cause submitted.

B163525 Kapner
 v.
 Meadowlark Ranch Assoc.

Merits:

Argued by Gary R. Ricks for appellant and by Kay S. Kuns for respondents. Cause submitted.

B171138 John C.
 v.
 Santa Barbara Superior Court
 (Child Welfare Services, r.p.i.)

Merits:

Presented by Raimundo Montes de Oca, Deputy Public Defender, for petitioner and by Toni Lorien, Deputy County Counsel, for real party in interest. Cause submitted.

DIVISION SIX (Continued)

B165454 Taylor
 v.
 Todd

Merits:

Argued by Jeffrey A. Holcomb for appellant and by Mark F. Miller for respondents. Cause submitted.

B166116 Marriage
 of
 Chakko

Merits:

Argued by Patrick G. Cherry for appellant and by Barbara L. Sheldon, Deputy Attorney General, for respondent Public Interest. Cause submitted.

Perren, J. left the bench.

B167589 Foley
 v.
 Stones

Merits:

Argued by Roy E. Ogden for appellants and by Mark E. Schiffman for respondents. Cause submitted.

B166229 McCarley
 v.
 Nairne

Merits:

Argued by Richard J. Kahdeman for appellants and by David W. Tredway for respondents. Cause submitted.

Court recessed at 10:50 A.M.

DIVISION SIX (Continued)

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Each of the following:

B170621 Ulysses A. v. Santa Barbara Co. Superior Court (Child Welfare Services)

B171071 Fermin A. v. Santa Barbara Co. Superior Court (Child Welfare Services)

Presentation waived, cause submitted.

B159600 Vaughn v. Lalama

Argument continued to February, 2004.

B171030 Hernandez v. Ventura Co. Superior Court (Neal)

Presentation continued to February, 2004.

B162566 Linden v. American Express Financial Advisors, Inc.

Off calendar; case settled and dismissed.

B166527 Marriage
of
Cummings

Merits:

Argued by Wendy C. Lascher for appellant and by Patrick G. Cherry for respondent. Cause submitted.

Coffee, J. left the bench.

Yegan, J. assumed the bench.

DIVISION SIX (Continued)

B165107 Marriage
 of.
 White

Merits:

Argued by Wendy C. Lascher for appellant and by Patrick G. Cherry for respondent. Cause submitted.

B141751 Laursen
 v.
 Evans

Merits:

The court admonished the parties that this appeal is limited to post-remittitur issues. Argued by Brian Evans, appellant, appearing in propria persona and by Ramey Wiley for respondents. Cause submitted.

Court adjourned at 2:45 P.M.

DIVISION SEVEN

B166176 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Luis C., et al.

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

DIVISION SEVEN (Continued)

B164374 Thai Airways International (Not for Publication)
v.
ADP, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

B153949 Fernandez (Not for Publication)
v.
Lawson, Jr., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B163744 Sanchez (Not for Publication)
v.
City of Los Angeles

The trial court's decision granting defendants' anti-SLAPP motions and dismissing all of the claims in Sanchez's amended complaint is affirmed. The trial court's decision denying Sanchez leave to file a second amended complaint asserting a cause of action for unfair competition against AT&T Wireless and Verizon Wireless is reversed. Accordingly, as to the City, the judgment is affirmed in its entirety. As to AT&T Wireless and Verizon Wireless, the judgment is reversed in part and the matter remanded for further proceedings consistent with this opinion. The City is entitled to recover its costs on appeal. All other parties are to bear their own costs on appeal.

Johnson, J.

I concur: Munoz, J., (Assigned)
I concur and dissent: Perluss, P.J. (Opinion)